

Carolyn H Friis
1752 Guadalupe Ave
San Jose, California 95113

E-filing

UNITED STATES DISTRICT COURT
NORTHERN CALIFORNIA - San Jose

Filed
MAR - 6 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Carolyn H Friis
Judgment Creditor

Case No.

v

CITY OF SAN JOSE, a corporation
dba FEIN 946000419,
770250396, 942044864, et al
Judgement Debtor

CV 08 - 80027 MISC.

Notice of Public Recording/Filing of
FOREIGN JUDGMENT

RMW

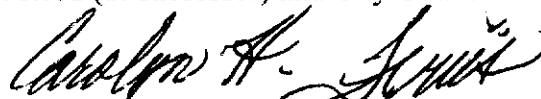
RS

Please take notice that I have recorded in the US District Court - No. California, San Jose Division as a Miscellaneous Matter "002chf SJ Certificate of Protest / Judgment" (2 pgs) which was issued on March 5, 2008 and was served on the City of San Jose as part of "003chf SJ Certificate of Service" (13 pgs). This Judgment is the result of Private Administrative Proceeding/Alternate Dispute Resolution between Carolyn H Friis and the CITY OF SAN JOSE, a corporation.

Judgment Creditor Carolyn H Friis will use the Foreign Judgment in future proceedings as needed. Any tampering with this Judgment requires the same security for satisfaction of the Judgment which is required in the State of California.

Said Foreign Judgment is established under Notary Court Seal and filed pursuant to Calif CCP 1713, et seq and pursuant to Rule 62(f) of the Federal Rules of Civil Procedure.

A copy of this recording will be served this date on City of San Jose, 200 E. Santa Clara St, San Jose, CA 95113; attn: Mayor Chuck Reed (or successor) and City Council. Copy of Proof of Service available upon request.


Carolyn H Friis, Judgment Creditor

attachments: 002chf SJ Judgment (2 pgs) which is part of the following Service:
003chf SJ Certificate of Service & associated documents (13 pg)

004chf SJ Notice of Public Filing/Recording of Foreign Judgment

Notice of Issuance of CERTIFICATE OF PROTEST / JUDGMENT
&
CERTIFICATE OF SERVICE

Tracking # 003chf

Whereas I am not aware of any response/objection from the City of San Jose, and Carolyn H Friis says that she is not aware of any response/objection from the City of San Jose to the proposed Judgment; ie, "002chf sj Certificate of Protest / Judgment" and whereas the City of San Jose has had adequate lawful time to respond but hasn't, therefore I, as a Notary Public of the State of California hereby issue "002chf sj Certificate of Protest / Judgment" on this date as indicated below. See attached copy of "002chf sj Certificate of Protest / Judgment."

On the date indicated below I placed the documents listed below in a sound envelope, sealed it, attached adequate Postage fee and mailed it via USPS Certified Mail 7006 0100 0005 5405 0157 to:

CITY OF SAN JOSE
200 E. SANTA CLARA ST.
SAN JOSE, CA 95113

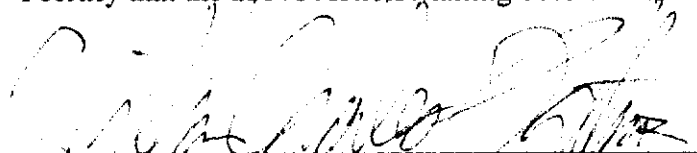
attn: Mayor Chuck Reed (or successor) and the City Council

003chf SJ Certificate of Service (this page)	(1 pg)
002chf SJ Certificate of Protest / Judgment	(2 pgs)
002chf Certificate of Service, Feb 20, 08 & included documents	(10 pgs)

Total Number of Pages - 13

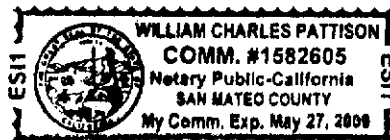
Date: March 5, 2008

I certify that the above Action/Mailing occurred as stated.



William Charles Pattison, Commission # 1582605
Notary Public California ; San Mateo County
910 South Grant Street
San Mateo, CA 94402

SEAL



CERTIFICATE OF PROTEST / JUDGMENT

Tracking # 002chf sj Certificate of Protest / Judgment

CITY OF SAN JOSE, a corporation and its Agents.

vs

Carolyn H Friis, private Citizen and Creditor

As a Notary Public for the State of California, County of San Mateo, I hereby issue this Certificate of Protest; Judgment, Stipulation, Consent Agreement, Contract (hereinafter 'Judgment') pursuant to California Commercial Code 3505 in favor of Carolyn H Friis (hereinafter 'Ms Friis') against the City of San Jose, it's Mayor and each member of the City Council and each employee involved in the ultra vires raid on November 14, 2007 on the private property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property').

Ms Friis has notified me that she has no knowledge of nor has she been presented with any material fact or evidence that the City of San Jose or any of it's agents have rebutted or even responded to Ms Friis' Presentments served on the City on February 8, 2008 (001chf sj, copies attached) and on February 20, 2008. I have no evidence that the foregoing is not true, correct and not misleading.

Therefore, due to lack of rebuttal, response or objection by the City of San Jose or it's Agents to Ms Friis' presentments the following Certificate of Protest / Judgment is issued:

The City of San Jose, the Mayor and the City Council agree that:

a. the corporate City of San Jose is a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. the corporate City of San Jose does not have authority to exert acts of ownership and control over the property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property')

c. the corporate City of San Jose has no interest, ownership or other in the subject property.

d. the raid and search of the subject property on November 14, 2007 was done only under the color of law without support of a sworn Affidavit of Probable Cause.

e. the Mayor, each City Council member and each employee participating in the raid on the subject property on November 14, 2007 did so under color of law, statute, ordinance, regulation, and custom and did willfully, knowingly and intentionally conspire to oppress, threaten, and intimidate Ms Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The corporate City of San Jose and it's Officers/Employees are individually and collectively liable for damages to Ms Friis, her friends and the subject property as the result of the unlawful raid.

g. the armed impersonators who raided the subject property have not taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 and any other Citations purportedly issued on November 14, 2007 is/are null and void ab initio.

i. the proceeding against Ms Friis is a commercial proceeding governed by commercial law.
 j. Ms Friis' signature does not appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.

k. Carolyn H. Friis is not the Trustee of the Guadalupe Acres Trust.

l. Carolyn H. Friis is the Beneficiary of the Guadalupe Acres Trust.

m. The Supreme Court did rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both Lucas v. South Carolina Coastal Council, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and Monterey v. Del Monte Dunes, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998). In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.

n. all parties involved in a proceeding must participate in and seek non-judicial, private administrative resolution before seeking judicial review.

o. Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal.

p. an affidavit sworn true, correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.

q. failure of an entity to supply information which it can provide or construct, supports an inference that those materials if unearthed would contradict the position of the entity.

r. City of San Jose silence to Ms Friis' Affidavits, Counterclaims, etc (hereinafter 'Affidavits') means City acquiescence to Carolyn H Friis' Affidavits in a manner most favorable to Ms Friis and her friends.

s. In Commerce, Truth is sovereign.

t. An un-rebutted Affidavit stands as Truth in Commerce.

u. No more than an affidavit is necessary to make the prima facie case.

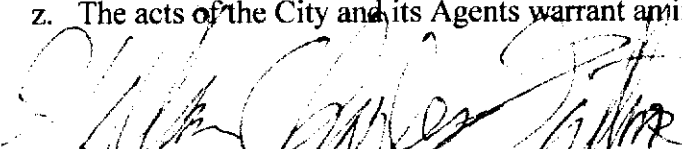
v. Silence is equated to agreement and acceptance.

w. Ms Friis has exhausted her Administrative Remedies and may seek remedy; Judicial or otherwise as provided by the law.

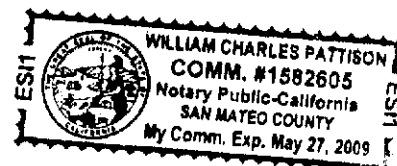
x. In harmony with Monterey v. Del Monte Dunes, 526 US 687 (1999), supra, Ms Friis is empowered to make a claim upon the official bond or insurance of the City of San Jose in the amount of \$8,000,000.

y. If the City of San Jose or any Agents again approach, harass or intimidate Ms Friis and her friends without a lawful Order supported by a sworn Affidavit, Ms Friis is empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's participating employees in the amount of \$1,000,000 each.

z. The acts of the City and its Agents warrant an investigation by the Grand Jury.


 William Charles Pattison, Commission # 1582605
 Notary Public California ; San Mateo County
 910 South Grant Street
 San Mateo, CA 94402

SEAL



Protest Fee discharged

CERTIFICATE OF SERVICE

On the date displayed below I placed the documents listed below in a sound envelope, sealed it, attached adequate Postage fee and mailed it via USPS to: Tracking # 002chf

by: Certified Mail 7004 1160 0006 8750 3880

by: Proof of Mailing

CITY OF SAN JOSE
200 E. SANTA CLARA ST.
SAN JOSE, CA 95113

CITY OF SAN JOSE
170 WEST SAN CARLOS STREET
SAN JOSE, CA 95113

attn: Mayor, City Council

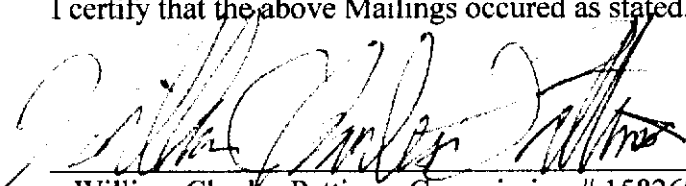
attn: Mayor, City Council

002chf SJ Certificate of Service (this page)	(1 pg)
002chf SJ Notice of Protest	(1 pg)
002chf SJ Certificate of Protest (proposed)	(2 pg)
001chf Certificate of Service, Feb 8, 08 & included documents	(6 pgs)

Total Number of Pages - 10

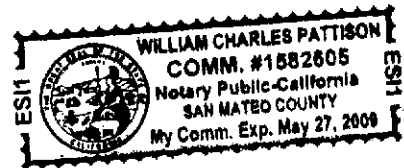
Date: February 20, 2008

I certify that the above Mailings occurred as stated.



SEAL

William Charles Pattison, Commission # 1582605
Notary Public California ; San Mateo County
910 South Grant Street
San Mateo, CA 94402



CITY OF SAN JOSE
200 E. SANTA CLARA ST.
SAN JOSE, CA 95113

Tracking # 002chf Notice of Protest
Certified Mail: 7004 1160 0006 8750 3880

attn: Mayor Chuck Reed & City Council Members Pete Constant, Forrest Williams, Sam Liccardo, Kansen Chu, Nora Campos, Pierluigi Oliverio, Madison Nquyen, David D. Cortese, Judy Chirco, Nancy Pile or successors.

NOTICE OF PROTEST & OPPORTUNITY TO CURE

1. Be it known by this Notice of Protest that on the date noted below, Carolyn H. Friis (hereinafter 'Ms Friis') did request that I issue a Notice of Protest due to the lack of response by the City of San Jose to her 001chf sj Letter and 001chf sj Affidavit (2 pgs) (copies attached) served on the City of San Jose on February 8, 2008. Carolyn H Friis has notified me that she has not received any response to or rebuttal of her Letter and Affidavit of Feb 8, 2008 from the City or it's Agents.

2. Based on Ms Friis' Letter and Affidavit and the fact that I have **NO** knowledge of **NOR** have I been presented with any material fact or evidence rebutting Ms Friis' Letter and Affidavit I am issuing this Notice of Protest/NonResponse. Ms Friis says that your failure to respond to her Letter and related Affidavit is being accepted as evidence of knowing and intentional default and that you have agreed to the terms of Ms Friis' Letter, Affidavits, etc. and stipulate to the proposed '002chf sj Certificate of Protest / Judgment.' Copy attached.

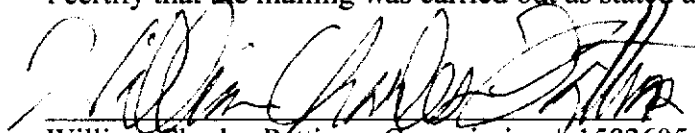
3. You have the right to cure this default by promptly rebutting Carolyn H. Friis' Letter and Affidavit dated February 8, 2008, copy attached. Any rebuttal must be in like manner; ie, under oath. Should you fail to cure this default /dishonor within 5 days of receipt of this Notice of Protest Ms Friis has asked me, a Notary Public for the Sate of California to issue a Certificate of Protest / Judgment pursuant to California Commercial Code 3505. A copy of the proposed Judgment; '002chf sj Certificate of Protest / Judgment' is attached.

4. Any response should be mailed to the address shown below.

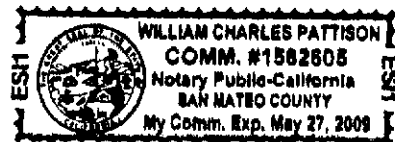
Thank you for your attention to this matter.

Date: February 20, 2008

I certify that the mailing was carried out as stated above.

 SEAL

William Charles Pattison, Commission # 1582605
Notary Public California; San Mateo County
910 South Grant Street
San Mateo, CA 94402



Protest Fee discharged

002chf SJ Notice of Protest

CERTIFICATE OF PROTEST / JUDGMENT

Tracking # 002chf sj Certificate of Protest / Judgment

CITY OF SAN JOSE, a corporation and its Agents.

vs

Carolyn H Friis, private Citizen and Creditor

As a Notary Public for the State of California, County of San Mateo, I hereby issue this Certificate of Protest; Judgment, Stipulation, Consent Agreement, Contract (hereinafter 'Judgment') pursuant to California Commercial Code 3505 in favor of Carolyn H Friis (hereinafter 'Ms Friis') against the City of San Jose, it's Mayor and each member of the City Council and each employee involved in the ultra vires raid on November 14, 2008 on the private property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property').

Ms Friis has notified me that she has no knowledge of nor has she been presented with any material fact or evidence that the City of San Jose or any of it's agents have rebutted or even responded to Ms Friis' Presentments served on the City on February 8, 2008 (001chf sj, copies attached) and on February 20, 2008. I have no evidence that the foregoing is not true, correct and not misleading.

Therefore, due to lack of rebuttal, response or objection by the City of San Jose or it's Agents to Ms Friis' presentments the following Certificate of Protest / Judgment is issued:

The City of San Jose, the Mayor and the City Council agree that:

a. the corporate City of San Jose is a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. the corporate City of San Jose does not have authority to exert acts of ownership and control over the property known as 1752 Guadalupe Ave, San Jose, California (hereinafter 'subject property')

c. the corporate City of San Jose has no interest, ownership or other in the subject property.

d. the raid and search of the subject property on November 14, 2007 was done only under the color of law without support of a sworn Affidavit of Probable Cause.

e. the Mayor, each City Council member and each employee participating in the raid on the subject property on November 14, 2007 did so under color of law, statute, ordinance, regulation, and custom and did willfully, knowingly and intentionally conspire to oppress, threaten, and intimidate Ms Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The corporate City of San Jose and it's Officers/Employees are individually and collectively liable for damages to Ms Friis, her friends and the subject property as the result of the unlawful raid.

g. the armed impersonators who raided the subject property have not taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 and any other Citations purportedly issued on November 14, 2007 is/are null and void ab initio.

- i. the proceeding against Ms Friis is a commercial proceeding governed by commercial law.
- j. Ms Friis' signature does not appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.
- k. Carolyn H. Friis is not the Trustee of the Guadalupe Acres Trust.
- l. Carolyn H. Friis is the Beneficiary of the Guadalupe Acres Trust.
- m. The Supreme Court did rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see **Palazzolo v. Rhode Island** 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. ____ (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both **Lucas v. South Carolina Coastal Council**, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and **Monterey v. Del Monte Dunes**, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998). In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.
- n. all parties involved in a proceeding must participate in and seek non-judicial, private administrative resolution before seeking judicial review.
- o. Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal.
- p. an affidavit sworn true, correct and complete stands as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.
- q. failure of an entity to supply information which it can provide or construct, supports an inference that those materials if unearthed would contradict the position of the entity.
- r. City of San Jose silence to Ms Friis' Affidavits, Counterclaims, etc (hereinafter 'Affidavits') means City acquiescence to Carolyn H Friis' Affidavits in a manner most favorable to Ms Friis and her friends.
- s. In Commerce, Truth is sovereign.
- t. An un-rebutted Affidavit stands as Truth in Commerce.
- u. No more than an affidavit is necessary to make the prima facia case.
- v. Silence is equated to agreement and acceptance.
- w. Ms Friis has exhausted her Administrative Remedies and may seek remedy; Judicial or otherwise as provided by the law.
- x. In harmony with **Monterey v. Del Monte Dunes**, 526 US 687 (1999), supra, Ms Friis is empowered to make a claim upon the official bond or insurance of the City of San Jose in the amount of \$8,000,000.
- y. If the City of San Jose or any Agents again approach, harass or intimidate Ms Friis and her friends without a lawful Order supported by a sworn Affidavit, Ms Friis is empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's participating employees in the amount of \$1,000,000 each.
- z. The acts of the City and its Agents warrant an investigation by the Grand Jury.

SEAL

William Charles Pattison, Commission # 1582605
Notary Public California ; San Mateo County
910 South Grant Street
San Mateo, CA 94402

Protest Fee discharged

CERTIFICATE OF SERVICE

On the date displayed below I placed the documents listed below in a sound envelope, sealed it, attached adequate Postage fee and mailed it via USPS Certified Mail 7004 0750 0000 3563 7779 to:

CITY OF SAN JOSE
170 West SAN CARLOS STREET
SAN JOSE, CA 95113

Tracking # 001chf

attn: Mayor and City Council doing business under FEINs 946000419; 770250396 or 942944864

001chf SJ Certificate of Service (this page)	(1 pg)
001chf SJ Letter	(1 pg)
001chf SJ Affidavit	(2 pgs)
001chf letter frm City dated January 17, 2008	(1 pg)
001chf Citation dated November 14, 2007	(1 pg)

Total Number of Pages - 6

Date: February 8, 2008

I certify under penalty of perjury that the above occurred as stated.

by: Hugh Smith

CITY OF SAN JOSE
170 WEST SAN CARLOS STREET
SAN JOSE, CA 95113

February 8, 2008

Certified Mail 7004 0750 0000 3563 7779

attn: Mayor and City Council doing business under FEINs 946000419; 770250396 or 942944864

Dear Sirs/Madams

On November 14, 2007 nine armed actors; John and Jane Does 1 to 100 purporting to be employees of the public agency City of San Jose trespassed on posted private property at 1752 Guadalupe Ave, San Jose, California and conducted a Search as though they had a lawful Search Warrant. Without provocation they proceeded to harass, intimidate and threaten myself and other individuals who were present.

None of the trespassers displayed evidence that he/she had taken the Oath of Office required by Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

The armed impersonators did not display a Search Warrant based on probable cause supported by oath or affirmation as required by the 4th Amendment to the Constitution for the United States of America and by Article I Section 13 of the California Constitution.

Were not all of the actions of the impersonators clear violations of the sanctity of my home in willful premeditated violation of the guarantees of the protections of Article 4 of the Constitution for the United State and Article 1, Section 1 of the Constitution for the State of California?

In addition to banning acts of Terrorism does not California law prohibit cities and counties from enforcing city or county codes and ordinances upon property that is not **OWNED** by the city or county - even if the property is within city limits?

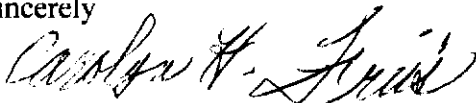
What is particularly disturbing is that it appears that it is the City of San Jose's long time policy to conduct terrorist like raids as described above without lawful probable cause for the purpose of harassing, intimidating and threatening good Californians for corporate city purposes. Honestly, now I know what it must feel like to raped, violated and abused.

Demand is hereby made that the City of San Jose produce the foundation documentation within Five (5) days from your receipt of this petition that establishes dispositively your corporation's claim of right superior to the Trust's claim and possession of the subject property

If you are unable or refuse to produce the evidentiary proof of your corporate agency's superior claim to the subject property within the allotted time frame won't sufficient proof be established for a claim of restitution for all damages, civil and criminal sustained under the terrorist like raid of November 14, 2007 described herein and establish that a breach of my personal close (trespass vi et armis) is called for as provided for under Article 1, Section 28 of the California Constitution?

If you decide not to rebut in like form this letter and the accompanying Affidavit (001chf Affidavit) within 5 days of receipt of this letter it will accepted as evidence that you agree with the content of these documents in a manner most favorable to me and my friends.

Sincerely



Carolyn H. Friis
1752 Guadalupe Ave
San Jose, California

California)
) AFFIDAVIT Tracking # 001chf Affidavit
 Santa Clara County)

1. Affiant affirms that she is over the age of 18 years, is competent to state to the matters in this affidavit, has first hand knowledge of the facts stated herein and affirms that to the best of her knowledge the statements made in this affidavit are true, correct, complete, and not meant to mislead.

2. Affiant has **NO** knowledge of **NOR** has she been presented with any material fact or evidence that:

a. the City of San Jose is not a corporation doing business under several FEINs, including 946000419, 770250396 or 942944864 which makes it subject to the laws of commerce such as the Uniform Commercial Code, Fair Debt Collection Practices Act, etc.

b. corporate municipalities such as the City of San Jose do not have authority to exert acts of ownership and control over property that is not OWNED by them.

c. the corporate City of San Jose owns the property located at 1752 Guadalupe Dr, San Jose, California.

d. the raid and search of the property at 1752 Guadalupe Dr, San Jose (hereinafter "subject property") on November 14, 2007 was not done under mere color of law without support of an Affidavit of Probable Cause under oath or affirmation.

e. the Mayor, City Council and other Officers participating in the raid on the subject property on November 14, 2007 did not under color of law, statute, ordinance, regulation, and custom willfully and intentionally conspire to oppress, threaten, and intimidate Carolyn H Friis and her friends to the deprivation of their rights, privileges and immunities in the free exercise and enjoyment of her/their rights secured by the Constitution or laws of the United States and Constitution of the State of California in general and in particular Article I Section 1 of the Constitution of the State of California.

f. The City of San Jose and it's Officers are not individually and collectively, publicly and privately liable for compensation for damages to Carolyn H Friis, her friends and the subject property as the result of the raid on November 14, 2007 on the subject property.

g. the armed impersonators who raided the subject property on November 14, 2007 have taken the Oath of Office required by the Constitution of the State of California, Article XX, Section 3 of the Constitution of the State of California in light of Title 4 U.S.C. §101.

h. The Citation # J 3147256 purportedly issued on November 14, 2007 is not a counterfeited security which is null and void ab initio.

i. the proceeding against Carolyn H Friis is not a commercial proceeding governed by commercial law.

j. Carolyn H. Friis entered into any agreements with the City of San Jose or Michael Hannon nor does her signature appear on any document in which Carolyn H. Friis waived any of her rights as guaranteed by the Constitution for the United States or the Constitution or the State of California.

k. Carolyn H. Friis is the Trustee of the Guadalupe Acres Trust.

l. Carolyn H. Friis is not the Beneficiary of the Guadalupe Acres Trust.

m. the Supreme Court did not rule that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them, see Palazzolo v. Rhode Island 533 US

606, 150 L.Ed. 2d 592 (2001) (no expiration date on the taking clause for city's illegal enforcement of its codes on the man's private property and restricting the man's business), affirming both **Lucas v. South Carolina Coastal Council**, 505 US 1003, 120 L. Ed. 2d 798 (1992) (butterfly activists and code enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and **Monterey v. Del Monte Dunes**, 526 US 687 (1999), 143 L.Ed. 2d 882, 119 S.Ct. ____ (1998) (In the Monterey case, the California private property owner was awarded \$8 million for code enforcement's illegal trespass and restriction of his business, and another \$1.45 million for the aggravation of a forced sale).

n. all parties involved in a proceeding must not seek non-judicial, private administrative resolution before seeking judicial review.

o. Notice to Principal is not Notice to Agent and Notice to Agent is not Notice to Principal.

p. an affidavit sworn or affirmed true, correct, complete, certain and not misleading. does not stand as the truth in commerce and judgment of the law if not fully rebutted point for point by counter affidavit sworn or affirmed true, correct, complete, certain and not misleading.

q. failure of an entity to supply information which it can provide or construct does not support an inference that those materials if unearthed would contradict the position of the entity.

r. Agency silence to Affiant's Affidavits, Counterclaim/s, etc (hereinafter 'Claims') will not mean Agency acquiescence to Affiant's Affidavits/Claims in a manner most favorable to Affiant and the Account.

s. that a failure to deny the facts and evidence contained in this document is not classified as an admission to said facts and evidence.

t. in Commerce, Truth is not sovereign.

u. an un-rebutted Affidavit does not stand as Truth in Commerce.

v. no more than affidavit is necessary to make the prima facie case.

w. an Affidavit does not stand as truth in commerce and becomes the law of the proceeding unless rebutted point for point by Affidavit.

x. Silence is not equated to agreement and acceptance

y. Affiant is not empowered to make a claim upon the official bond/s or insurance of the City of San Jose and it's employees in the amount of \$1,000,000 each.

Further Affiant sayeth not.

Carolyn H. Friis

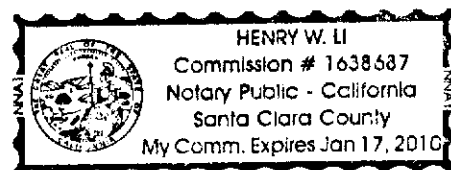
Carolyn H. Friis

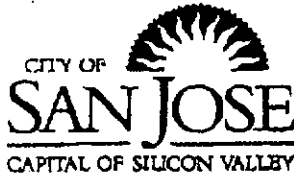
JURAT: State of California, County of Santa Clara

ss: Subscribed and sworn to (or affirmed) Before me on this 8 th day of February, 2008 by Carolyn H. Friis ~~personally known to me or~~ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Henry W. Li
Notary

seal:





Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

January 17, 2008

Carolyn H. Friis, Trustee
Guadalupe Acres Trust
1752 Guadalupe Avenue
San Jose, CA 95125-1227

Dear Ms. Friis:

RE: 1752 GUADALUPE AVENUE

It was a pleasure meeting with you yesterday, January 16, 2008. As a result of our meeting, I have agreed to dismiss criminal citation #1314236 and, in return, you have agreed to complete the following items by no later than March 18, 2008:

1. Remove the two rear accessory structures (measuring 28' x 13' and 16' x 16') or reduce both accessory structures to 120' square feet or less.
2. Remove all bedding from the garage conversion and side addition and cease using the garage conversion and side addition as a sleeping area.
3. Allow re-inspection of the property, and all structures, on or by March 18, 2008.

Anticipating that the above items are corrected by that date, we will discuss a compliance schedule to address the remaining code violations including the rear addition to the garage, the conversion of the garage, the patio overhang and the sunroom. I have included a copy of the Building Inspector's report, for your reference.

I am looking forward to your cooperation in correcting these long-standing code violations. Should you have any questions or any new information regarding this case, please contact me free to contact Code Enforcement Inspector James Young at (408) 277-8427.

Sincerely,

Michael Hannon, Code Enforcement Official
Planning, Building and Code Enforcement

MH:JY:scK

SAN JOSE POLICE DEPARTMENT MISDEMEANOR CITATION NO. **No. J 3147856**

NOTICE TO APPEAR ☐ Traffic ☐ Nontraffic

DATE OF VIOLATION **11/14/07** TIME **9:00** AM ☒ PM DAY OF WEEK **S M T W T F S** CASE NUMBER

NAME (FIRST, MIDDLE, LAST) **CAROLYN HAZEL FRID** ☐ OWNER'S RESPONSIBILITY (Veh. Code § 40001)

ADDRESS **P.O. Box 1767**

CITY **LOWER MERCEDES** STATE **CA** ZIP CODE **95071**

DRIVER'S LIC. NO. **V8032422** STATE **CA** AGE **27** BIRTHDATE **11/17/80** ☐ JUVENILE (Phone No.)

SEX **F** HAIR **BLK** EYES **BRN** HEIGHT **5'1** WEIGHT **115** RACE **SO** OTHER DESCRIPTION

VEH. LIC. NO. OR VIN. STATE **CA** ☐ COMMERCIAL VEHICLE (Veh. Code § 40001)

YR. OF VEH. **MA** MODEL **BO** BODY **CO** COLOR **SA** ☐ HAZARDOUS MATERIAL (Veh. Code § 40001)

EVIDENCE OF FINANCIAL RESPONSIBILITY ☐ SAFE DRIVER

REGISTERED OWNER OR LESSEE ☐ SAME AS DRIVER

STATE **CA** ZIP CODE

CORRECTABLE VIOLATION (Veh. Code § 40810) ☐ BOOKING REQUIRED MISDEMEANOR INFR. VIOLATION

YES AND CODE AND SECTION DESCRIPTION

☒ **20.10.0300 CHAIRLIFT REQUIRED** (M)

☒ **17.20.900 MT. EQUIPMENT OCCUPANCY** (M)

☐ **20.10.0300 CHAIRLIFT REQUIRED** (M)

☐ **17.20.900 MT. EQUIPMENT OCCUPANCY** (M)

SPEED APPROX. **70** PF. MAX. SPD. **70** VEH. **SA** SAFE ☐ RADAR ☐ LASER # **70** BEAT **N**

LOCATION OF VIOLATION(S) **AT 1752 GUNDALE AVE S. JCT. 1752** (LANE **W**)

COMMENTS (WEATHER, ROAD, AND TRAFFIC CONDITIONS) **CA 95071** ☐ ACCIDENT

VIOLATIONS NOT COMMITTED IN PRESENCE. DECLARED ON INFORMATION AND BELIEF

ARRESTING OR CITING OFFICER **621** BADGE NO. **621** DATES OFF

DATE **11/14/07** NAME OF ARRESTING OFFICER **F. FERRER** BADGE NO. **621** DATES OFF

WITH ☐ ADMITTING GUILTY, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature **Carolyn Hazel Frid**

DATE **11/14/07** TIME **9:00** AM ☒ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE: ☐ CRIMINAL JUSTICE COURT ☐ JUVENILE MISD. ☐ TRAFFIC COURT

180 W. HEDDEN **2610 N. First Street** **935 Ruff Dr.**

San Jose, CA 95110 **San Jose, CA 95134** **San Jose, CA 95110**

(408) 808-4500 **(408) 435-2275** **(408) 808-3100**

☐ TO BE NOTIFIED

PFN (FOR COURT USE ONLY) CEN (FOR COURT USE ONLY)

Notice to Appear form approved by the Judicial Council of California.

200-15 (Rev. 03/01/04) (Veh. Code §§ 40500(b), 40513(b), 40522, 40600; Part Code § 853)

DEFENDANT COPY

SEE REVERSE
TR-130